

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, APRIL 3, 1990  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:39 a.m. Mayor O'Connor welcomed a group of students from East San Diego Community College. The meeting was recessed by Mayor O'Connor at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members Roberts, Pratt, McCarty, and Filner not present. Mayor O'Connor adjourned the meeting at 4:17 p.m. to meet as the Redevelopment Agency.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member Hartley-present
  - (4) Council Member Pratt-present
  - (5) Council Member Bernhardt-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Abdelnour (tm; eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

Apr-3-1990

ITEM-310: WELCOMED

Welcoming approximately 25 students from Horton Elementary School, who will attend this meeting accompanied by their teacher Alma Hills. This group will arrive at approximately 10:30 a.m.  
(District-4.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A004-012.)

ITEM-330: (O-90-144) INTRODUCED, TO BE ADOPTED APRIL 16, 1990

Introduction of an Ordinance establishing the La Jolla Business Improvement District pursuant to the Parking and Business Improvement Area Law of 1989; levying an assessment and charge therein for upgrading and promoting the area.  
(See City Manager Report 90-65. La Jolla Community Area. District-1.)

FILE LOCATION: STRT - L-2

COUNCIL ACTION: (Tape location: A033-543.)

Hearing began at 10:43 a.m. and halted at 11:19 a.m.  
Testimony in favor by David Ish, Alexander Bewde, Orrin Gabsch, Mohammed Usman, Laura Little, Row Zappardino and Wally Matranga.  
Testimony in opposition by Clift Laperruque, Frank Moog and Bill Cohew.

MOTION BY WOLFSHEIMER TO INTRODUCE AND TO REFER THE SMALLER BUSINESSES TO THE CITY MANAGER TO SEE IF SOMETHING CAN BE DONE ABOUT THE SMALLER BUSINESSES PAYING THE SAME AS THE LARGER BUSINESSES. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

(Continued from the meeting of March 20, 1990, Item 331, at the Planning Department's request, to allow the applicant to prepare a land use agreement for the project site.) Rezoning an approximately 9,650 square-foot lot from Zone A-1-1 to Zone CA. The subject property is located on the east side of 30th Street, between Coronado Avenue and Del Sol Boulevard, in the Otay Mesa-Nestor Community Plan area, and is further described as a portion of the northeast quarter of the northeast quarter of the southeast quarter of Section 27, Township 18 South, Range 2 West, San Bernardino Base Meridian.  
(Case-89-0795. District-8.)

Subitem-A: (R-90-1123) ADOPTED AS RESOLUTION R-275431

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0795 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-90-137) INTRODUCED, TO BE ADOPTED APRIL 16, 1990

Introduction of an Ordinance for CA Zoning.

FILE LOCATION: ZONE Ord. No.

COUNCIL ACTION: (Tape location: B312-322.)

Hearing began at 11:47 a.m. and halted at 11:48 a.m.

MOTION BY FILNER TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (O-90-166) INTRODUCED AS AMENDED, TO BE ADOPTED  
APRIL 16, 1990

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code by adding Division 96, Section 52.9600, 52.9601, 52.9602, 52.9603, 52.9604, 52.9605, 52.9606, 52.9607, 52.9608, 52.9609, 52.9610, 52.9611, 52.9612, and 52.9613, relating to Discrimination on the Basis of Sexual Orientation (Human Dignity Ordinance).

This Ordinance prohibits discrimination based on sexual preference. The areas covered include private employment, housing and real estate transactions, business establishments, City facilities and services, and educational institutions. Religious organizations and their schools are specifically exempted. Frivolous actions, retaliation, and any waiver of provisions of the Ordinance are prohibited. The Ordinance provides that any aggrieved person may bring an action, and it also provides for injunctive relief. The liability section requires that a person who violates the Ordinance may be liable for treble damages, punitive damages if appropriate, and attorneys' fees.

(See City Attorney Report dated 3/23/90.)

COMMITTEE ACTION: Reviewed by RULES on 1/17/90. The Committee directed the City Attorney to prepare a Human Dignity Ordinance for Council consideration, and that the Ordinance exempt religious organizations and their schools. Districts 1, 2, 4, 5 and 8 voted yea. Mayor O'Connor abstained.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C011-091, C128-F190.)

MOTION BY PRATT TO APPROVE THE HUMAN DIGNITY ORDINANCE WITH THE FOLLOWING OPTIONS PREPARED BY THE CITY ATTORNEY: AT THE TOP OF PAGE 4 UNDER "DEFINITION 9. SEXUAL ORIENTATION." OPTION 3:"AS USED IN THIS DIVISION, THE TERM 'SEXUAL ORIENTATION' SHALL MEAN AN INDIVIDUAL'S SUPPOSED OR ACTUAL SEXUAL PREFERENCE FOR ANY LAWFUL SEXUAL ACTIVITY." UNDER "LIABILITY" - OPTION 1. TO CHANGE "MAY" TO "SHALL." AND TO AMEND UNDER "ENFORCEMENT b.2." TO ADD LANGUAGE "BY THE CITY ATTORNEY." Second by Hartley.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.  
Motion by McCarty to amend the motion for the wording for liability to remain "may" for "shall." No second.  
Substitute motion by Henderson to place the proposed ordinance on the ballot. No second.

ITEM-333: (R-90-1477) ADOPTED AS RESOLUTION R-275436

Approving the General Relocation Plan - Relocation Policies and Procedures, relating to the relocation of families, individuals and business concerns required to move as a result of acquisition of property and certain projects of the City; declaring that nothing is contained in the General Relocation Plan - Relocation Policies and Procedures to create any legal obligation on the part of the City to make any relocation payments which are not otherwise required by state or federal laws; authorizing the City Manager to amend or modify the General Relocation Plan - Relocation Policies and Procedures from time to time to conform to requirements mandated by state or federal law without the necessity for further City Council approval.

CITY MANAGER SUPPORTING INFORMATION: The General Location Plan is designed to meet the requirements of both federal and state law to establish local relocation policies and procedures necessary to assure fair and equitable treatment to all persons required to move from their homes or business locations as a result of the acquisition of real property by the City of San Diego. The adoption of these policies is in accordance with Section 7267.8 to implement the Relocation Assistance Law,

California Government Code, Chapter 16, as it relates to the City in providing relocation assistance. These Relocation Policies and Procedures replace previously adopted policies dated November 14, 1974, by Resolution 212000, Document 749299.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F195-196.)

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S412:

Three actions relative to the contract for installation of

the seventh pump assembly at the Metro Pump Station No. 2:  
(BID-K1377/90)  
(Harbor Community Area. District-2.)  
Subitem-A: (R-90-1279) ADOPTED AS RESOLUTION R-275432

19900403

Inviting bids for the Metro Pump Station No. 2, 7th Pump Installation; authorizing the execution of a contract with the lowest responsible bidder; authorizing the Auditor and Comptroller to transfer \$192,224 within the Sewer Revenue Fund No. 41506 from CIP-46-111.0, Rose Canyon Trunk Sewer to CIP-46-101, Metro Pump Station No. 2, Additional Pumps; authorizing the expenditure of not to exceed \$912,224 from Sewer Revenue Fund, CIP-46-101, Metro Pump Station No. 2 Additional Pumps, for providing funds for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to retain excess budgeted funds, if any, in the appropriate reserves.  
(Prime construction contract \$700,000.)

Subitem-B: (R-90-1280) ADOPTED AS RESOLUTION R-275433

Authorizing the use of City Forces to do all the work where required in connection with the above construction; declaring that the cost of said work shall not exceed \$10,000.

Subitem-C: (R-90-1571) ADOPTED AS RESOLUTION R-275434

Authorizing the City Manager to enter into a first amendment to the agreement with Brown and Caldwell Engineering Co. for professional services in connection with Metro Pump Station No. 2.

CITY MANAGER SUPPORTING INFORMATION: Metro Pump Station No. 2, located on North Harbor Drive, was originally constructed in 1962 with four pumps. Two more pumps were installed in 1986. Pump Station No. 2 pumps all of the City's and Metro sewage flows to the Point Loma Wastewater Treatment Plant. Additional pumping capacity is needed for the station to continue to meet

peak demand and to allow one pump as standby. By Resolution R-274334, dated September 11, 1989, the City retained the services of Brown and Caldwell Consulting Engineers to perform engineering studies for the installation of the 7th and 8th pumps at the station.

In order to continue to meet peak flow, a previously purchased 7th pump assembly needs to be installed on an accelerated schedule. This is a request to approve the plans and specifications, and for authorization to advertise and award a construction contract. All major components have been previously purchased and will be on site at the pump station. Due to the difficulty and time sensitive nature of this project and in order to maintain project continuity and responsibility, it is recommended that construction management services be performed by Brown and Caldwell Consultants.  
WU-P-90-116.

FILE LOCATION: Subitem-A&B: CONT - CAL Southwest  
Construction Company; Subitem-C: MEET  
CCONTFY90-1 CONTFY90-1

COUNCIL ACTION: (Tape location: A012-021; A543-B312.)  
MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S500:  
(Continued from the meeting of March 27, 1990, Item 333, at the request of Scott Sellers of Lincoln Properties, for further review.)

Proposal to amend the Mira Mesa Community Plan to change the land use designation of a 3.6-acre site from Industrial Park to Visitor Commercial, and a rezone from Zone M-1B (Light Industrial) to Zone CR (Commercial Recreation), to permit development of a 124 suite hotel (Woodfin Suites Hotel). The proposed plan amendment and rezone also constitute an amendment to the Local Coastal Program. If approved by Council, the proposed Local Coastal Program amendment must be submitted to the California Coastal

Commission for review and final approval. The proposed Local Coastal Program amendment would not become effective until approval by the California Coastal Commission.

The subject property is located on the north side of Mira Mesa Boulevard, between Lusk and Pacific Heights Boulevards, in the Mira Mesa community, and is further described as Lot 2 of Pacific Corporate Center, Unit No. 7, Map-11986.

(Case-88-0739. District-5.)

Subitem-A: (R-90-1209) ADOPTED AS RESOLUTION R-275437

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0739 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-90-135) INTRODUCED, TO BE ADOPTED APRIL 16, 1990

Introduction of an Ordinance for CR Zoning.

Subitem-C: (R-90-1210) REV.1 ADOPTED AS RESOLUTION R-275438

Adoption of a Resolution approving the plan amendment and the General Plan amendment at the next omnibus hearing.

Subitem-D: (R-90- ) NOT NEEDED

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-88-0739.

NOTE: Pursuant to Resolution No. R-274498, adopted on October 3, 1989, the Planning Director is authorized and directed to transmit to the California Coastal Commission all amendments to the City's Local Coastal Program which have been adopted by the City Council.

FILE LOCATION: Subitems A, C, and D LAND - Mira Mesa Community Plan, Subitem-B --

COUNCIL ACTION: (Tape location: C091-120.)

Hearing began 2:05 p.m. and halted 2:07 p.m.

MOTION BY BERNHARDT TO APPROVE ITEM-S500, SUBITEMS A THROUGH D,



WITH THE FOLLOWING CONDITION APPLIED TO THE REZONE, COMMUNITY AND GENERAL PLAN AMENDMENTS AND TO THE FUTURE PLANNED COMMERCIAL

DEVELOPMENT (PCD): THAT THE APPLICANT AGREES TO PROVIDE A PEDESTRIAN WALKWAY FROM THE BUILDING TO MIRA MESA BOULEVARD AND

THE SIDEWALK ON MIRA MESA BOULEVARD THAT IS TEN FEET WIDE, EIGHT FEET AT A MINIMUM, 100 TO 120 FEET LONG TO ACCOMMODATE A FUTURE BUS STOP LOCATION. TREES AT THE BUS STOP SHOULD BE LOCATED AS FAR AWAY FROM THE CURB AS POSSIBLE SO THAT THE BUS STOP AND BUS STOP SIGN ARE CLEARLY VISIBLE FROM THE SIDEWALK AND STREET. SIDEWALK CONSTRUCTION SHOULD BE A SMOOTH STANDARD SURFACE WHICH

IS SAFE FOR DISABLED PERSONS. THE CONSTRUCTION AND IMPROVEMENTS SHALL BE COMPLETED AT THE TIME AS THE HOTEL PROJECT IS CONSTRUCTED AND COMPLETED. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S501: (R-90-1573) ADOPTED AS RESOLUTION R-275435

Authorizing the execution of a Memorandum of Understanding with the County of San Diego and the Regional Justice Facilities Financing Agency, for the purpose of providing for the construction and operation of a prearrestment detention facility by the City.

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: B322-600.)

MOTION BY ROBERTS TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:17 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F200).